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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/106,858 | 06/30/1998 | ARIE M. WIJNEN | 9655-0001-2 | 7286 |

22850 7590 07/24/2003

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

MCCHESENEY, ELIZABETH A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2644

DATE MAILED: 07/24/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/106,858

Applicant(s)

WIJNEN ET AL.

Examiner

Elizabeth A McChesney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9 and 11-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3,8,9,18 and 21 is/are rejected.
- 7) ☒ Claim(s) 4-7, 11-17, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- ☐ Interview Summary (PTO-413) Paper No(s). ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,3,8,9,18 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Bedini (US Patent No. 4,644,422).

Regarding claim 1, Bedini discloses an anti copy system wherein an inaudible signal (degrade signal) is combined with the original (source) signal (abstract-lines 1-8). Bedini further discloses that when played the original signal is not effected by the inaudible signal and therefore the combined signal is undisturbed when played (abstract-lines 13-17). However, the recording of the combined signal produces a disturbed signal (abstract-lines 17-23).

Regarding claim 3, Bedini further discloses the use of two degrade signals wherein the second degrade signal is 18.5 kHz which reads on “approximately” 20 kHz depending on what scale you are using or in relation to what range you are measuring (col. 8-lines 60-68 and col. 10-lines 45-47).

Regarding claim 8, it is interpreted and thus rejected for the same reasons as set forth above in claim 1. Since claim 8 discloses an apparatus, which corresponds to, the

method of claim 1; the apparatus is obvious in that it simply provides a structure for the functionality of claim 1.

Regarding claim 9, it is interpreted and thus rejected for the same reasons as set forth above in claim 1. Since claim 9 discloses an apparatus, which corresponds to, the method of claim 1; the apparatus is obvious in that it simply provides a structure for the functionality of claim 1.

Regarding claim 18, it is interpreted and thus rejected for the same reasons as set forth above in claim 1. Since claim 18 discloses an apparatus, which corresponds to, the method of claim 1; the apparatus is obvious in that it simply provides a structure for the functionality of claim 1.

Regarding claim 21, it is interpreted and thus rejected for the same reasons as set forth above in claim 1. Since claim 21 discloses an apparatus, which corresponds to, the method of claim 1; the apparatus is obvious in that it simply provides a structure for the functionality of claim 1.

Response to Arguments

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. Upon further examination the reference *Bedini* has been applied for a rejection. The claims have been amended but are still broadly written. Merely combining an inaudible signal with the audio signal to perform copy protection does not constitute an inventive entity wherein the inaudible signal does

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not affect the played combined signal and any recording provides a disturbed combined signal is taught by the Bedini reference as put forth in the rejection above.

Conclusion

4. Claims 4-7, 11-17 and 19-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. McChesney whose telephone number is (703) 308-4563. The examiner can normally be reached Monday – Friday, 8:00 am – 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

EAM

July 15, 2003


FORESTER W. ISEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600